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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/577,999

05/03/2006

Takashi Fujita

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7590

06/10/2010

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EXAMINER

HENN, TIMOTHY J

ART UNIT

PAPER NUMBER

2622

NOTIFICATION DATE

DELIVERY MODE

06/10/2010

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patentmail@whda.com

<b>Office Action Summary</b>	<b>Application No.</b> 10/577,999	<b>Applicant(s)</b> FUJITA, TAKASHI	
	<b>Examiner</b> TIMOTHY J. HENN	<b>Art Unit</b> 2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 03 March 2010.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 5-8 is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 January 2009 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments, see response, filed 03 March 2010, with respect to claims 5-8 have been fully considered and are persuasive. The rejection of claims 5-8 has been withdrawn.
2. The indication of allowable subject matter has been reconsidered in view of the newly submitted Takeshi (JP S57-192236) reference. Therefore, a new rejection of claims 1-4 are made below.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yoshino (US 2004/0044428) in view of Asada (JP 02-146660) in view of Takeshi (JP S57-197236).

#### **[claim 1]**

Regarding claim 1, Yoshino discloses an electronic apparatus comprising: a first detection means for detecting a sound (Figure 1, Item 72); a second detection means for detecting a key operation (Figure 1, Item 50 and 62/64); and a second process means for executing a process corresponding to output from the second detection

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means (Figure 1, Item 50; Paragraphs 0003-0004; Figure 4). However, Yoshino does not disclose a first process means and restricting means as claimed.

Asada discloses the use of voice commands to control a device. Therefore, it would be obvious to include a voice command and voice command restriction system as taught by Asada to provide a second interface for controlling the electronic apparatus of Yoshino. Asada further discloses a restricting means which restricts the processing for detection of a voice command by attenuating the microphone input when sound effects are played back to prevent the sound effects from being misrecognized as a command (Abstract), but does not disclose deactivating the second processor unit for a predetermined period of time as claimed.

Takeshi discloses a device with a sound recognition system which inhibits or "deactivates" the operation of the sound recognition circuit for a predetermined period of time when the device is operated (Paragraph 1 of partial translation). Since the sound recognition circuit is deactivated in the device of Takeshi, misrecognition of voice commands due to operation of the device is prevented. One of ordinary skill in the art would have recognized that the same technique could be applied to the Yoshino in view of Asada system, that the results would have been predictable and would have resulted in a system which deactivates the second processor unit (i.e. the voice recognition circuitry) to prevent operation of the device from resulting in an unintended voice command.

It is noted that as claimed, the time period is defined as "comprising the time between when a key is operated and when a key is non-operated". In view of the

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Takeshi reference, it would be obvious to deactivate the second processor unit for at least this time period, if not longer, to ensure that any noise resulting from operation of the system is not misrecognized as a voice command. Since the claim as written does not limit the time period to being exactly the time difference between operation and non-operation of the key, a longer time period which overlaps the claimed time period is believed to read on the claim limitations as written.

**[claim 2]**

Regarding claim 2, Yoshino discloses a sound effect output means for outputting a sound effect in response to a key operation (Figures 1 and 4; Paragraphs 0003-0004).

**[claim 3]**

Regarding claim 3, Asada discloses changing a detection characteristic of the detecting means (i.e. attenuating the input; Abstract).

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5. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yoshino (US 2004/0044428) in view of Asada (JP 02-146660) in view of Takeshi (JP S57-197236) in view of Kuriyama (JP 09-149157).

**[claim 4]**

Regarding claim 4, Yoshino in view of Asada discloses an electronic apparatus, but does not disclose changing a frequency characteristic of the detection means. Kuriyama discloses a system which subtracts sound effect noise from a microphone input to ensure that the sound effect noise does not effect the recorded sound (Abstract; it is noted that subtracting a specified signal would alter the frequency characteristic of

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the detection). Therefore it would be obvious to subtract the sound effect noise from the input signal of Yoshino in view of Asada to ensure that the sound effect noise does not cause an unwanted voice command signal. It is noted that such an operation would provide an additional layer of protection to the system of Yoshino in view of Asada.

### ***Allowable Subject Matter***

6. Claims 5-8 are allowed.

### ***Conclusion***

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to TIMOTHY J. HENN whose telephone number is (571)272-7310. The examiner can normally be reached on M-F 11-7.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Ometz can be reached on (571) 272-7593. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Timothy J Henn/  
Primary Examiner, Art Unit 2622